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|-------------------------------|--------------------|--------------|
| <b>Notice of Allowability</b> | Application No.    | Applicant(s) |
|                               | 09/769,654         | LEMKE, STEVE |
|                               | Examiner           | Art Unit     |
|                               | Courtney D. Fields | 2137         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 05 May 2006.
2.  The allowed claim(s) is/are 1-21.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received:       

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 15 February 2001
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



KAMBIZ ZAND  
PRIMARY EXAMINER

## **DETAILED ACTION**

1. Claims 1-21 are pending.

### ***Information Disclosure Statement***

2. The Information Disclosure Statement respectfully submitted on 15 February 2001 has been considered by the Examiner.

### ***Response to Arguments***

3. Applicant's arguments filed 05 May 2006 have been fully considered and they are persuasive.

### ***Allowable Subject Matter***

4. **Claims 1-21** are allowed.
5. The following is an examiner's statement of reasons for allowance: The present invention is directed toward a method and system for activating a handheld computer system configured to authenticate a user and power-up in response to a single action performed by the user. Each independent claim identifies the uniquely distinct features "**powering-up the computer system from inactive mode to normal mode, granting the user access to the computer system**". The closest prior art, Janiak et al. (Pub No. 2002/0089410) discloses a biometric authentication device for use with a host having memory, processing power and communication capabilities, such as a personal digital assistant (PDA). The biometric device includes a finger print module having a fingerprint sensor for capturing a user's fingerprint placed onto the fingerprint sensor. The fingerprint module is interconnected and communicates with the host PDA. The fingerprint module also includes a portion adapted to receive and read a card containing

electronic fingerprint information, such as a smart card. The fingerprint module is capable of determining a match between the user's fingerprint captured from the fingerprint sensor and the electronic fingerprint information stored on the smart card. Determination of the match between the end user (and those) captured fingerprint and the electronic fingerprint information enables biometric verification or identification of the end user. However, either singularly or in combination, Janiak et al. fail to anticipate or render the claimed limitation if verification is successful, powering-up the PDA from inactive to normal operation mode. The closest prior art, Maes et al. (US Patent No. 6,016,476) discloses a portable client PDA with a touch screen or other equivalent user interface and having a microphone and local central processing unit (CPU) for processing voice commands and for processing biometric data to provide user verification. However, either singularly or in combination, Maes et al. fail to anticipate or render the claimed limitation if verification is successful, powering-up the PDA from inactive to normal operation mode. The closest prior art, Haitani et al. (US Patent No. 5,900,875) discloses a palmtop computer system that incorporates mechanical buttons that combine the task of turning the palmtop computer system on and starting a particular application program. Furthermore, the same mechanical button can be used to navigate the application program to find the information that is most likely needed by the user. However, either singularly or in combination, Haitaini et al. fail to anticipate or render the claimed limitation if verification is successful, powering-up the PDA from inactive to normal operation mode.

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6. Therefore, **claims 1 and 12**, and the respective **dependent claims 2-11 and 13-21** are in condition for allowance.

***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
KAMBIZ ZAND  
PRIMARY EXAMINER



July 20, 2006